

GREATER NEW BEDFORD
1ST OFFICE BUILDING
NEW BEDFORD, MASSACHUSETTS 02740
617-999-1231

SOUTH SHORE
1143 WASHINGTON STREET
(RT. 33-1 MILE SOUTH OF RT. 3)
HANOVER, MASSACHUSETTS 02339
617-826-3886

CAPE AND ISLANDS
146 MAIN STREET
HYANNIS, MASSACHUSETTS 02601
617-771-0666

Congress of the United States
House of Representatives
Washington, D.C. 20515

December 20, 1982

MASSACHUSETTS
STON OFFICE
HOUSE OFFICE BUILDING
STON, D.C. 20515
202-225-3111
COMMITTEES:
FOREIGN AFFAIRS
MERCHANT MARINE AND
FISHERIES
CHAIRMAN:
SUBCOMMITTEE ON
COAST GUARD AND NAVIGATION

Dear Clem:

Thank you for your thoughtful reply to my letter regarding the rights of the Foreign Affairs Committee under the provisions of the Intelligence Authorization Act of 1981.

Your response was very helpful, but I would nevertheless like to request further clarification on certain points. I think the best way to do this is for me to comment in sequence on the replies which you made to my letter of October 12. Before doing so, however, I want to make it clear that my purpose in initiating this correspondence was to understand more clearly the rights of the Members of our Committee, and not, in any way, to criticize the work of the Select Committee on Intelligence.

1. In your reply to my first question, you do not state specifically whether you agree with Senator Huddleston's view that a major covert operation having significant foreign policy impact is a matter which would "require the attention" of the Foreign Affairs Committee. You refer, instead, to the statement you made during debate on the Conference Report, suggesting that passage of the bill did not "constitute a relinquishment of the jurisdiction of the Committee on Foreign Affairs over intelligence activities relating to foreign policy."

It seems to me that the language in the law has little meaning unless Senator Huddleston's interpretation is correct. Surely, Congress had something in mind when it imposed upon the Intelligence Committee a responsibility to notify other Committees, including our Committee, of matters requiring their attention. Senator Huddleston's view is, in any case, fully consistent with your statement regarding the continued jurisdiction of the Foreign Affairs Committee over intelligence activities relating to foreign policy.

2. I did not mean, in my letter, to equate the process of "bringing a matter to the attention" of the Foreign Affairs Committee with the process of actually making intelligence information available to other Members or Committees. I do not believe that the law automatically requires the sharing of information beyond that which is necessary to provide meaningful notification. The difficulty with the present practice is the Members of the Foreign Affairs Committee are not notified of the simple existence of information concerning covert operations of importance to foreign policy. Members are unlikely to request information from the Intelligence Committee, in accordance with the

TAB C

information-sharing procedures of that Committee, if they do not know, at least a general way, that the information exists.

I agree with you that the decision whether or not to "bring matters to the attention" of other Committees rests with the Committee on Intelligence. What I am trying to determine is the criteria which the Intelligence Committee is required to use when making these decisions. The question, therefore, is what matters "require the attention" of the Committee on Foreign Affairs. I would argue that a covert operation of significant foreign policy importance would meet this test.

3. The answer to this question indicates either that no covert operations of foreign policy importance have been initiated during the past two years, or that the law is not being implemented in a manner consistent with Senator Huddleston's explicit -- and your implicit -- interpretation of what the law requires. I consider it of great importance that two Members of the Committee on Foreign Affairs also serve on the Committee on Intelligence. But I also believe that rights provided by law to the Committee on Foreign Affairs extend to all Members of the Committee. Therefore, I do not think that the requirements of the law are being fully met at the present time.

4. In your reply, you discuss matters which in your opinion "could not be resolved except through action by the Committee on Foreign Affairs." But the law does not speak of issues which can only be resolved through Foreign Affairs Committee action. That seems to me to be a much stricter test than the one contained in the law. The requirement for notification is more limited, and applies only to matters "requiring the attention" of the Foreign Affairs Committee. As you stated in debate on the Conference Report:

The Committee on Foreign Affairs believes that strong congressional oversight over intelligence activities is a vital legislative responsibility. As chairman of the committee, I recognize that strong oversight over intelligence activities derives in part from its awareness that its responsibilities for overseeing U.S. foreign policy covers the totality of U.S. relationships abroad -- which must include intelligence along with political, military, economic, and other activities.

I do not understand how the Foreign Affairs Committee, as a whole, can fulfill the responsibility discussed above if it is unaware of the information it needs to exercise that responsibility.

In your closing statement, you say that the Intelligence Committee has made every effort to insure that the intent, spirit, and letter of the Intelligence Authorization Act has been adhered to by the Administration. I agree. However, the questions I am raising concern adherence to the letter and to the intent of the law by

Congress, itself.

It is true that my curiosity about the law was triggered by the publicity involving Nicaragua and Honduras. But the questions I am seeking to address are procedural, not policy-oriented. They are important, I believe, for reasons of precedent, not because of any impact they might have on a particular case.

★
★
★
In closing, I want to make it clear what rights the Foreign Affairs Committee seems, in my view, to have under the law. Our Committee is not entitled, per se to prior notice of covert operations. That right is reserved to the Committee on Intelligence. The Intelligence Committee, however, is obliged to bring matters having an important foreign policy impact to the attention of the Committee on Foreign Affairs. This could be done, I suppose, simply by transmitting a message to our Committee indicating that a matter has arisen which requires our attention. Any Member, or group of Members, wishing to respond to the notification would be obliged to do so in accordance with the normal procedures established by the Intelligence Committee for sharing information.

The process which I believe is required by the law is a notification process, not some sort of automatic scheme for sharing detailed information. I think it is important, because I do not believe that Members of the Committee on Foreign Affairs should be dependent on press reports for information causing them to consider whether or not to ask the Intelligence Committee for a briefing on a matter of concern.

I apologize for the length of this letter, and for its detail. I would be pleased, if you wish, to discuss this matter with you informally or to bring it up in a more formal way at the Committee organizing Caucus early next year.

Thank you once again for your cooperation and assistance.

With kind regards.

Sincerely,

Gerry E. Studds

The Honorable Clement J. Zablocki
Chairman
Committee on Foreign Affairs
2170 Rayburn House Office Building
Washington, D.C. 20515